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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,546	04/08/2004	Frank Gottwald	10191/3659	1281
26646	7590	03/06/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			GREGORY, BERNARR E	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,546	Applicant(s) GOTTWALD, FRANK	
	Examiner Bernarr E. Gregory	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 2 of independent claim 1, the phrase "two different antennas for transmitting and receiving" is indefinite as to whether both antennae transmit and receive, or whether one antenna transmits, and the other antenna receives.

Dependent claim 2 is objected to under 37 CFR 1.75(c) as failing to further limit the subject matter of claim 1 from which it depends. Dependent claim 2 merely expressed intended use.

On line 3 of dependent claim 3, the phrase "their maximums and minimums are mutually suppressed" is indefinite and unclear in context.

On lines 1-2 of dependent claim 4, the use of the words, "an additional receiving antenna" implies that there was an earlier-named receiving antenna, but there is none unless line 2 of claim 1 refers to a receiving antenna.

On line 2 of claim 4, the phrase "having a different antenna characteristic" is indefinite and unclear in context. With what is the "antenna characteristic" being compared?

On line 3 of claim 4, the phrase "superimposing two receiving antenna characteristics" is indefinite and unclear in context.

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On lines 3-4 of claim 4, the words "large target" are indefinite and unclear in that the adjective "large" is relative, and in that there is no point of reference as to what range of sizes would be considered "large."

On line 2 of dependent claim 5, the term "patch exciters" is unclear in context.

On lines 2-3 of claim 8, the phrase "complete obliteration of dominant secondary lobes" is unclear in context.

In each of dependent claims 9 and 10, the uses of the words "additional exciters" is indefinite and unclear in context in that there is no earlier recitation of "exciters" in either of claims 9 or 10 or in claim 1 (from which these claims depend).

Dependent claims 2-10 are unclear in that they depend from unclear independent claim 1.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley ('555) or Ross ('398) or Strenglein ('169) or Nations ('690) or Sato et al ('823).

With respect to independent claim 1, each of the applied references shows "two different antennas for transmitting and receiving" in that each has a separate transmitting antenna and a separate receiving antenna. Further, in

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each of these applied references, "their dominant secondary lobes" must be "mutually offset" in that the two antennas in each of the references are physically offset from each other. In addition, each of the antennas in these applied references is pointed in a different direction than the other antenna in that same reference. As for the intended use statement in dependent claim 2, please note that each of the applied references has the disclosed radar and radar antennae in a vehicle.

5. Due to the lack of clarity of the language of claims 1-10, it is not possible at this time to indicate allowable subject matter.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

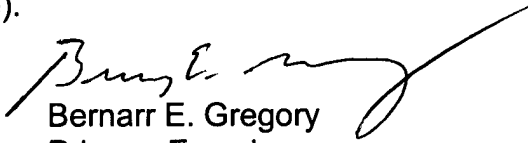
The examiner-cited prior art that has not been applied above is of general interest for showing the state of the related prior art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bernarr E. Gregory
Primary Examiner
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